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Attorneys for Valley Utilities Water Company, Inc.

BEFORE THE ARIZONA CORPORATION COMMISSION

IN THE MATTER OF THE APPLICATION
OF VALLEY UTILITIES WATER
COMPANY, INC., AN ARIZONA
CORPORATION, FOR A DETERMINATION
OF THE FAIR VALUE OF ITS UTILITY
PLANT AND PROPERTY AND FOR AN
INCREASE IN ITS RATES AND CHARGES
FOR UTILITY SERVICE BASED THEREON.

DOCKET NO. W-01412A-12-0195

**RESPONSE TO STAFF'S MOTION
TO EXTEND FILING DUE DATE**

Valley Utilities Water Company ("VUWCO" or the "Company") hereby submits its Response to Staff's Motion to Extend Filing Due Date. In its motion, Staff requests that the deadline for filing direct testimony be extended by one week, from Monday, December 31, 2012 to Monday, January 7, 2013, citing "resource constraints" as the reason for the request. Staff suggests consequently shortening the periods for both rebuttal and surrebuttal by two days each to make up the time and to "accommodat[e] the existing hearing date."

Staff's motion is not well-received. In July 2012, Staff agreed to the procedural schedule currently in place. Staff has been aware of the December 31 deadline for more than five months. Staff also has known the importance of retaining the February 27, 2013 hearing date. VUWCO is requesting to make permanent the Arsenic Remediation Surcharge Mechanism approved in Decision No. 71287 (October 7, 2009), which surcharge is set to expire on August 31, 2013. The Company and Staff together

1 developed a schedule that would ensure the issuance of a final order and authorization of
2 new rates prior to August 31. If the surcharge expires before the new rates go into effect,
3 the Company will be severely prejudiced.

4 Staff did not advise VUWCO of this needed extension until the morning of
5 December 31, 2012. VUWCO objects to Staff's suggestion that its failure to adhere to the
6 procedural schedule be remedied by shortening the time the Company has to prepare
7 rebuttal. The rebuttal period is already shortened. Furthermore, the Company should not
8 be penalized because Staff could not complete its filing in the six months it was allotted.
9 In sum, if Staff needs more time, the Company should not be prejudiced in any way,
10 including not having its limited rebuttal-window made tighter or losing its long-scheduled
11 hearing date.

12 Accordingly, VUWCO respectfully requests that if Staff is afforded the extra time
13 it requests, the Administrative Law Judge issue a Procedural Order that affords the
14 Company its time to prepare rebuttal and preserves the existing hearing dates.

15 RESPECTFULLY SUBMITTED this 2nd day of January, 2013.

16 FENNEMORE CRAIG, P.C.

17
18 By: 

19 Jay L. Shapiro
20 Attorneys for Valley Utilities Water
21 Company, Inc.

22 **ORIGINAL** and 13 copies filed
23 this 2nd day of January, 2013 with:

24 Docket Control
25 Arizona Corporation Commission
26 1200 West Washington Street
Phoenix, Arizona 85007

1 **COPY** of the foregoing
2 was hand-delivered
3 this 2nd day of January 2013 to:

4 Sarah Harpring, ALJ
5 Hearing Division
6 Arizona Corporation Commission
7 1200 West Washington Street
8 Phoenix, Arizona 85007

9 Wes Van Cleve
10 Bridget Humphrey
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12 Arizona Corporation Commission
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